

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**AT CHARLESTON**

**JIMMY A. DUNN EXCAVATING  
COMPANY, a West Virginia corporation,**

**PLAINTIFF,**

**VS.**

**CIVIL ACTION NO. 2:16-cv-04409**

**EAGLE PIPELINE, LLC, an  
Ohio corporation,**

**DEFENDANT.**

**COMPLAINT**

Now comes the Plaintiff, Jimmy A. Dunn Excavating Company, by counsel, who for its causes of action against the Defendant, Eagle Pipeline, LLC, states as follows:

**PARTIES**

1. The Plaintiff, Jimmy A. Dunn Excavating Company, now is and at all times hereinmentioned was a West Virginia corporation licensed and doing business in West Virginia.

2. The Defendant, Eagle Pipeline, LLC, now is and at all times hereinmentioned was an Ohio corporation doing business in West Virginia.

**JURISDICTION AND VENUE**

3. Jurisdiction and venue are both appropriate in the United States District Court for the Southern District of West Virginia in that there is diversity of jurisdiction, all of the acts and misconduct occurred in the Southern District of West

Virginia and the amount in controversy exceeds \$75,000.00.

### **STATEMENT OF FACTS**

4. The Defendant employed the services of the Plaintiff to perform two bore and jack installations on oil and gas projects in Wayne County, West Virginia.

5. Pursuant to the agreement, the Plaintiff performed all of the services necessary and requested by the Defendant in a timely and proper manner.

6. The Plaintiff has requested the Defendant pay it for the work performed; however, the Defendant has refused and continues to refuse to pay all sums due and owing.

7. There is currently due and owing from the Defendant to the Plaintiff the sum of \$124,725.00, plus interest.

### **PRAYER FOR RELIEF**

**WHEREFORE**, the Plaintiff requests the Court grant judgment to it and as against the Defendant in the sum of \$124,725.00, together with interest at the rate of 1.5% per month from the date each project was completed on August 14, 2015 and November 30, 2015 until paid in full. The Plaintiff requests such further relief as this Court deems just.

**JIMMY A. DUNN EXCAVATING  
COMPANY**

**By Counsel,**

**CICCARELLO, DEL GIUDICE & LAFON**

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